



01-06-03
Responsive Amendment to Claims Section in Application for Patent (09/891,757) on
"An Integrated System For Shellfish Production"
1/2/03 5:40 PM Russell P Davis (757)340-0651
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Election
1-27-03

Inventor Name:	Russell Patton Davis
Citizenship:	USA
Inventor Residence and Correspondence Address:	613 Mango Dr., Virginia Beach, VA 23452 http://www.Shellfish-Unlimited.org Russell_P_Davis@Shellfish-Unlimited.org
Invention: AN INTEGRATED SYSTEM FOR SHELLFISH PRODUCTION: Encompassing Hatchery, Nursery, Grow-out, Brood-stock Conditioning and Market Conditioning Phases; also Water Treatment, Food Supplement, Propulsion, Anchoring, Security, and Devices for the Integration of Neighborhood Values and Shellfish Production.	
Application filing Date:	JUNE 26, 2001 09/891,757
Art Unit: 3643	Examiner: Price, Richard Thomas, Jr. FAX 703-305-7687 V.703-308-2694/Sup. Peter Poon 308-2574
PROSECUTION HISTORY: Responsive Claim Amendment: Provisional Election & Claim Prototype FAXed Sept 10, 2002 Request for an additional month to reply Mailed and Faxed on Dec 1, 2002. Provisional Election & Claim Amendment & Traverse Mailed Sept 16, 2002 Request of an additional month to respond FAXed Dec 2, 2002 Provisional Election & Claim Amendment & Traverse Mailed and Faxed on Jan 2, 2002 RECEIVED JAN 08 2003	

GROUP 3600

Sept 16, 2002 Mr. Tom Price: In response to the restriction requirement of 08/26/2003 #3807, the Applicant provisionally elects to traverse the restriction requirement by amending the claims by completely replacing the claims section of the application such that claim 40 is elected and claims 1 through 39 are restated as dependant claims. Claims 1 through 39 also link in CLAIM 0.

Given due deference to PTO examination rules contained in MPEP 808.01, the last 39 claims in this invention cannot be subject to restriction requirement and divisional patent as the claimed features of the invented integrated system are not independent inventions but are connected by "*design, operation, and effect*". There is only one art unit to examine this patent application. Making a restriction requirement based upon the number of coherent benefits claimed is like prohibiting a patent because the invention offers too great an advance in utility to its industry. Certainly, ludism has not been authorized by patent law. Moreover, the examination research required is not a suitable basis for restriction as there is very little or no prior art to research on many of the claimed features. A query of prior patents in shellfish culture will have a very small result set compared to the search of most other industries.

The original disclosures are also hard to read and full of grammatical errors. Please accept this replacement of that section of the application. If that is not possible, I understand. Even so the reading of the predecessor may be less jarring to your senses after reading the included subsequent. The double spacing of the subsequent can also give you space for your notes. Optical character reading software can aid your identification of any material difference in disclosure. There is a follow-on patent of enhancements under PCT in the works that may restate these disclosures in more readable prose. If there has been no competing patent filed in the area of shellfish culture in the interim there would certainly be no harm in allowing higher quality writing into the Patent record. Can you tell me if such is the case? It may also be that disclosures amendments that do produce additional claims could be allowed. If such is the case the literary qualities of the disclosure could be substantially enhanced.

Given my desire to make this patent have more readable prose I would be grateful if you could give me an additional month to respond. Yet, please give me an answer on my request to edit the disclosures as soon as possible. Please bill as needed according to meet the required fees. Forms PTO-2038 & PTO/SB17 are enclosed.

January 2, 2003, Mr. Tom Price: In response to the restriction requirement of 08/26/2003 #3807 and your follow-on correspondence to which I responded with a request for one month delay, the Applicant provisionally elects to traverse the restriction requirement by amending the claims by completely replacing the claims section of the application such that claim 0 is elected and claims 1 through 39 are restated as linked claims.

Yet, the original disclosures are also hard to read and full of grammatical errors. If there has been no competing patent filed in the area of shellfish culture in the interim of pendency there would certainly be no harm in allowing higher quality writing into the Patent record. Can you tell me if such is the case? It may also be that disclosure amendments that do produce additional claims could be allowed. If such is the case the literary qualities of the disclosure could be substantially enhanced.

It might be both better and permissible to submerge this patent application within a PCT application of much higher readability and coherence. Is that a possible path in pursuit of this patent?

Please bill as needed to meet the required fees. Form PTO-2038 is enclosed

Sincerely,

Russell P Davis

No Attorney or Agent

No Government Agency has any ownership interest in this patent

DECLARATION & Small Entity Election:

I, Russell Patton Davis, am the sole inventor of this "INTEGRATED SYSTEM FOR SHELLFISH PRODUCTION: Encompassing Hatchery, Nursery, Grow-out, Brood-stock Conditioning and Market Conditioning Phases; also Water Treatment, Food Supplement, Propulsion, Anchoring Security, and Devices for the Integration of Neighborhood Values and Shellfish Production.". The contents herein are true to the best of my knowledge and belief. The applicant is a small entity under the rules of the PTO.

Signed:

Dated:

Provisional Application:

JUNE 28, 2000 60/214,458
SEPT 08, 2000 60/232,079
OCT 02, 2000 60/237,033
DEC 01, 2000 60/250,389